

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b> SUBJECT ARREST, RESTRAINT AND DETENTION OF PRISONERS, PAROLEES AND PROBATIONERS	EFFECTIVE DATE 01/27/1998	NUMBER 06.01.120
	SUPERSEDES 06.01.120 (08/04/86); DOM 1997-30	
	AUTHORITY MCL 764.15; 771.4; 791.239	
	ACA STANDARDS 2-3149; 2-3150; 2-3154; 2-3157	
	PAGE 1 OF 3	

## POLICY STATEMENT:

Prisoners, parolees and probationers may be arrested, restrained, detained and confined as set forth in this policy.

## DEFINITIONS

Arrest - The verbal order by an authorized Field Operations Administration (FOA) agent to restrain and detain a parolee, prisoner or probationer.

Restraint - The use of physical force and/or restraint devices to temporarily restrict the movement of an arrested parolee or prisoner pending detention.

Detention - The placement of a parole or Community Residential Program (CRP) violator into a custody facility.

## POLICY:

### GENERAL INFORMATION

- A. Whenever possible, FOA field agents shall consult with immediate supervisory staff when action is being considered which may result in the arrest, restraint or detention of a prisoner, parolee or probationer. The supervisor shall determine the appropriate action to be taken.
- B. Local law enforcement shall be summoned to effect an arrest whenever possible. If the whereabouts of an absconder, escapee or alleged parole or probation violator is known, local law enforcement shall be notified and requested to make the arrest.
- C. If it is necessary to arrest and restrain an offender without the assistance of law enforcement, only the amount of force that is reasonable under the circumstances shall be used in accordance with PD 04.05.110, Use of Force, and PD 04.05.112, Managing Disruptive Prisoners.
- D. Safety precautions shall be taken in accordance with local operating procedures when arrest and restraint is to take place in the field office or corrections center.
- E. The Absconder Recovery Unit (ARU) may also locate and arrest prison escapees and parole absconders in accordance with PD 06.01.130, Absconder Recovery Unit.

### ARREST OF PROBATIONERS

- F. The court may, in its probation order or by general rule, provide for the apprehension, detention and confinement of any probationer accused of a probation violation. A field agent has no authority to arrest a probationer unless authorized to do so by order of the sentencing court or if the probationer committed a felony in the agent's presence.
- G. A law enforcement officer may arrest a probationer without a warrant when there is a reasonable cause to believe that the probationer has violated probation. A field agent may provide the information which

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 01/27/1998	NUMBER 06.01.120	PAGE 2 OF 3
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forms the basis of the reasonable cause.

#### ARREST OF PAROLEES

- H. A field agent, law enforcement officer, or a Department employee authorized by the Director to arrest a parole violator, may arrest and restrain a parolee without a warrant and detain the parolee in any jail of the State if s/he has reasonable grounds to believe that the parolee violated parole or when a parole violation warrant has been issued.
- I. Parolees with special conditions of parole requiring participation in a corrections center may be restrained and detained by center staff for serious rule violations, and/or to prevent absconding.
- J. The Parole Return Decision Guide, CFJ-175, shall be used when making the decision to revoke parole, as set forth in PD 06.06.102, Parole Violation Decision Criteria. In deciding whether to order the arrest of a parolee or to continue the confinement of a parolee already in custody, the following criteria shall apply:
  - 1. Parolees who are alleged to have committed serious parole violations, pose a threat to others, or present a risk of absconding shall be confined pending investigation of the incident. Other factors to be considered include the parolee's adjustment on parole and number of previous parole violations.
  - 2. When a parolee is confined in jail on allegations of parole violation or criminal behavior, the field agent shall immediately conduct an investigation into the parolee's behavior. The field agent shall immediately arrange for the lifting of the parole detainer when a decision has been made to continue the parolee on parole.
  - 3. When a parolee has been confined pursuant to a parole violation warrant, the parolee shall not be released without proper authorization from the appropriate Area Manager.

#### CONFINEMENT OF COMMUNITY RESIDENTIAL PROGRAMS (CRP) PRISONERS

- K. Prisoners assigned to CRP remain committed to the custody of the Department. CRP staff have a duty to make reasonable efforts, short of deadly force, to maintain order and control and to prevent escapes.
- L. CRP staff may detain and increase the custody level of CRP prisoners whom they believe have committed a nonbondable misconduct, jeopardized the order and security of the facility, poses a threat to the physical safety of staff or others, or is an escape risk.

#### TRANSPORTATION OF PRISONERS, PAROLEES OR PROBATIONERS

- M. When it is necessary for staff to transport a prisoner, parolee or probationer who is under restraint, staff shall use a State-owned vehicle.
- N. Generally, prisoners, parolees and probationers are responsible for arranging all personal transportation. If available, a State-owned vehicle may be used if staff choose to provide necessary transportation in non-custodial situations, such as a job interview, a counseling or treatment program, to a home placement or to a Parole Board interview. Staff are not required to use their own personal vehicle for this purpose. Any staff member using their own personal vehicle for this purpose must recognize that they are assuming certain liability risks.

#### OPERATING PROCEDURES

- O. The Deputy Director, FOA, shall ensure that within 60 days of its effective date, procedures implementing this policy directive are developed.

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 01/27/1998	NUMBER 06.01.120	PAGE 3 OF 3
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#### AUDIT ELEMENTS

- P. A Primary Audit Elements List has been developed and will be provided to FOA Regional Administrators to assist with self-audit of this policy pursuant to PD 01.05.100, Self Audit of Policies and Procedures.

KLM:OPH:12/23/97